

1 **Texas Board of Occupational Therapy Examiners**
2 **BOARD MEETING MINUTES**
3 Telephonic Conference Call
4 November 6, 2020
5 8:00 AM
6

7 **Members Present:** Jennifer Clark, COTA
8 Karen Gardner, OTR
9 DeLana Honaker, OTR, PhD, CLT, FAOTA, Secretary
10 Eddie Jessie, Public Member
11 Stephanie Johnston, OTR, OTD, FAOTA, Chair
12 Sally Harris King, COTA
13 Todd Novosad, OTR, Vice Chair
14

15 **Members Absent:** Blanca Cardenas, Public Member
16

17 **Counsel Present:** Rosalind Hunt, Assistant Attorney General
18

19 **Staff Present:** Amy Carter, Chief Investigator
20 Randall Glines, Staff Services Officer
21 Ralph Harper, Executive Director
22 Karissa Rodriguez, Licensing Manager
23 Lea Weiss, OT Coordinator
24

25 **Public Attendees:** Judith Joseph, OTR, Executive Director,
26 Texas Occupational Therapy Association
27

28 **The Texas Board of Occupational Therapy Examiners may discuss and/or take action on**
29 **any of the following agenda items. The Board may go into executive session on any**
30 **agenda item listed below as authorized by the Open Meetings Act, Texas Government**
31 **Code, chapter 551.**
32

33 **1. Call to Order**

34 The meeting was called to order at 8:07 AM by Stephanie Johnston, Presiding Officer.
35

36 **2. Roll Call for Board Members**

37 Stephanie Johnston conducted a roll call for members, who were all in attendance. Stephanie
38 Johnston noted that a quorum existed.
39

40 **3. Roll Call for Public Participants**

41 Stephanie Johnston introduced the agenda item and the public participant introduced herself.
42

43 **4. Excusing Board Member absences**

44 **Motion:** To approve the excuse of Blanca Cardenas for the absence at the
45 November 6, 2020 Board meeting

46 **Made by:** Jennifer Clark

47 **Second by: Karen Gardner**

48 **Motion passed.**

49

50 **5. Public Comment**

51 There was no public comment during the agenda item at this point of the meeting; the Board
52 returned to the item after agenda item 12.

53

54 **6. Minutes of July 31, 2020**

55 **Motion: To approve the minutes**

56 **Made by: DeLana Honaker**

57 **Second by: Sally Harris King**

58 **Motion passed.**

59

60 **7. Executive Director's Report concerning fiscal and budgetary matters, performance**
61 **measures, ongoing projects, agency personnel matters, Executive Council**
62 **activity, upcoming legislative session, and other agency business**

63 Ralph Harper briefed the Board on fiscal and budgetary matters, performance measures,
64 ongoing projects, agency personnel matters, Executive Council activity, the upcoming legislative
65 session, and updates regarding the slated relocation of the agency, along with other state
66 agencies located in the William P. Hobby building, to a new capital area complex in Austin in
67 2022. In addition, Ralph Harper highlighted the agency's response to COVID-19.

68

69 **8. Investigation Committee Report concerning:**

70 **A. Agreed Orders for case #s: 20-153, 20-174, 20-214, 20-229, 20-235, 20-248,**
71 **20-250, 20-256, 20-270, 20-274, 20-284, 20-288, 20-326, 20-329, 20-339,**
72 **20-344**

73

74 **Motion: To approve the agreed orders for case numbers 20-235, 20-248, and 20-284**

75 **Made by: Investigation Committee**

76 **Second by: None Required**

77 **Motion passed.**

78

79 **Motion: To approve the agreed order for case number 20-256**

80 **Made by: Investigation Committee**

81 **Second by: None Required**

82 **Motion passed.**

83

84 **Motion: To approve the agreed order for case number 20-174**

85 **Made by: Investigation Committee**

86 **Second by: None Required**

87 **Motion passed.**

88

89 **Motion: To approve the agreed orders for case numbers 20-288, 20-250, 20-270, and**
90 **20-344**

91 **Made by: Investigation Committee**

92 **Second by: None Required**

93 **Motion passed.**

94

95 **Motion: To approve the agreed orders for case numbers 20-274, 20-326, 20-329, and**

96 **20-339**
97 **Made by: Investigation Committee**
98 **Second by: None Required**
99 **Motion passed.**

100
101 In addition, Amy Carter reported on case number 20-153 and that pursuant to §454.255(b) of
102 the Occupational Therapy Practice Act, the individual's license will be administratively
103 suspended due to failure to complete the fingerprinting requirement.

104
105 The remaining cases were not presented to the Board at this time.

106
107 **B. Number of cases reviewed, Agreed Orders issued, informal conferences,**
108 **and other investigative matters discussed during the Investigation**
109 **Committee Meeting of September 29, 2020**

110 Amy Carter reported that one hundred twenty-three cases were reviewed at the September 29,
111 2020 meeting, resulting in the Investigation Committee's issuance of thirteen Agreed Orders.
112 One informal conference was held.

113
114 **C. Performance measures, on-site investigation visits, school presentations,**
115 **and other investigative activities that have occurred between this meeting**
116 **and the Board's last meeting**

117 Amy Carter reported on performance measures, on-site investigations, presentations, and
118 further investigative activities.

119
120 **9. Adoption of changes to Board rule 40 Texas Administrative Code §374.1,**
121 **Disciplinary Actions, of the Board Rules regarding changes to the Schedule of**
122 **Sanctions**

123 Lea Weiss discussed previously proposed changes to the schedule of sanctions contained in
124 §374.1, including concerning the following:

125
126 Changes to the Schedule of Sanctions include replacing investigative costs with administrative
127 penalties. The amendments to the Schedule of Sanctions in §374.1 would impose
128 administrative penalties, not to exceed the maximum stated in the Occupational Therapy
129 Practice Act.

130
131 Additional changes to the Schedule of Sanctions include changes concerning references to the
132 Occupational Therapy Practice Act and Board Rules and further cleanups to the schedule.

133
134 No public comment was received regarding the amendments.

135
136 **Motion: To adopt proposed rule §374.1, relating to Disciplinary Actions, as**
137 **published, with an effective date of December 1, 2020, or as soon as**
138 **possible thereafter**

139 **Made by: DeLana Honaker**

140 **Second by: Karen Gardner**

141 **Motion passed.**

142
143 **10. OT Coordinator's Report, concerning Board licensing statistics, entry-level**
144 **occupational-therapy accreditation statistics and updates, and updates**

145 **concerning the development of an interstate licensure compact in occupational**
146 **therapy by the Council of State Governments, the American Occupational Therapy**
147 **Association, and the National Board for Certification in Occupational**
148 **Therapy**

149 Lea Weiss discussed Board licensing statistics, entry-level occupational-therapy accreditation
150 statistics and updates, and updates concerning the development of an interstate licensure
151 compact in occupational therapy by the Council of State Governments, the American
152 Occupational Therapy Association, and the National Board for Certification in Occupational
153 Therapy.

154
155 **11. Presiding Officer's Report, concerning developments in the field of occupational**
156 **therapy, including the development of an interstate licensure compact in**
157 **occupational therapy by the Council of State Governments, the American**
158 **Occupational Therapy Association, and the National Board for Certification in**
159 **Occupational Therapy, and entry-level occupational-therapy accreditation**
160 **updates, including concerning the Accreditation Council for Occupational**
161 **Therapy Education**

162 Stephanie Johnston briefly addressed the items.

163
164 **12. Future Board meeting dates and agenda items for future consideration**
165 Stephanie Johnston noted that Board meetings have been scheduled for February 5, 2021; May
166 7, 2021; August 6, 2021; and October 29, 2021, with possible committee meetings to be held
167 February 4 and 5, 2021; May 6 and 7, 2021; August 5 and 6, 2021; and October 28 and 29,
168 2021.

169
170 **5. Public Comment**
171 The Board returned to the agenda item. Judith Joseph commented on Texas Occupational
172 Therapy Association (TOTA) activities concerning the development of the OT Compact and
173 noted that the American Occupational Therapy Association (AOTA) Representative Assembly
174 had approved an updated AOTA Code of Ethics. She also noted that TOTA has received calls
175 from licensees regarding license renewal and other Board functions, which TOTA directs back
176 to the Board.

177
178 **13. Adjournment**
179 The Board adjourned at 8:56 AM.

180
181 **Minutes approved on:** February 5, 2021